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STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer
2. FROM: David M. Louie, Attorney General

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:
Bond counsel services to complete the issuance of multifamily housing revenue bonds for the Kuhio Park Terrace project begun under the contract procured pursuant to HRS § 103D-304, but terminated prematurely because of unexpected retirement of bond counsel.

4. Name of Vendor: John Renken, Esq., Hawkins Delafield & Wood LLP

Address: One Embarcadero Center, Suite 3820
San Francisco, CA

94111

5. Price:

\$110,000.00

6. Term of Contract:

From: 3/3/2011
approval

To: 6/30/2011

7. Prior Exemption Ref. No.

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8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
In 2009, pursuant to a procurement under HRS § 103D-304, the Department of the Attorney General procured bond counsel services for Hawaii Housing Finance and Development Corporation projects with Brendan O'Brien of Hawkins Delafield & Wood LLP. Mr. O'Brien unexpectedly retired from the firm as of December 31, 2010, with the Kuhio Park Terrace project in progress and scheduled to be completed by March 2011. To go through another procurement to obtain bond counsel would take too long, given the State's and HHFDC's time schedule, and the learning curve for the transaction would be time consuming and very likely result in increased costs to HHFDC. Mr. Renken has worked with Mr. O'Brien on the Kuhio Park Terrace transaction and is familiar with it. Mr. Renken is a partner at Hawkins Delafield & Wood, and has worked on other Hawaii housing finance transactions.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The purpose of this request for exemption is to ensure an orderly completion of the Kuhio Park Terrace transaction. It is the department's intention, if HHFDC requires bond counsel in the future or for different transactions, to obtain bond counsel services through the process set forth in HRS § 103D-304. There will be no change in the compensation charged for this transaction. Further, it is our understanding the fee will be paid by the developer or out of bond proceeds.

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
The contract will incorporate all applicable provisions of HRS chapter 103D. In addition, bond counsel activities and billings will be monitored and subject to approval by the department.

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
David M. Louie	Attorney General	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Diane Erickson	Deputy Attorney General	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Randall S. Nishiyama	Deputy Attorney General	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:

Department: Attorney General
Contact Name: Diane Erickson
Phone Number: 586-0618
Fax Number: 586-1372

Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

Department Head

Russell A. Sings
Acting Attorney General

Date

3-3-11

Reserved for SPO Use Only

15. Date Notice Posted **3/4/11**

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer
State Procurement Office
P.O. Box 119
Honolulu, Hawaii 96810-0119

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

Chief Procurement Officer's comments:

Although no written delegated procurement authority is required for a *Request for Exemption from Chapter 103D, HRS*, the department is reminded that personnel cannot participate in procurement activities until the requirements of Procurement Delegation No. 2010-01 and Procurement Circular No. 2010-05 as appropriate have been met. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. This award is required to be posted on the Awards Reporting System.

16.

☒ APPROVED ☐ DISAPPROVED ☐ NO ACTION REQUIRED

Claus. Jay 3/11/2011
Chief Procurement Officer Date